

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

MATTIE LOMAX,
Plaintiff-Appellant

v.

**CAPITAL RENTAL AGENCY, INC., AMERICAN
INVESTMENT SERVICES, GREGORY
SCHWEITZER, MYRNA B. PALLEY,**
Defendants-Appellees

2023-1458

Appeal from the United States District Court for the
Southern District of Florida in No. 1:09-cv-21347-RLR,
Judge Robin L. Rosenberg.

ON MOTION

PER CURIAM.

O R D E R

Mattie Lomax moves for “entry of default,” ECF No. 7 at 1; responds to the court’s March 23, 2023, show cause order, ECF No. 8; and seeks “leave to amend [her] exhibit list and to admit into evidence certain additional [exhibits],” ECF No. 9 at 1. Appellees move for an extension of

time to respond to the court's March 23, 2023, order, which Ms. Lomax moves to strike. The court dismisses this appeal.

In May 2009, Ms. Lomax filed a notice of removal from state court for her action alleging violation of landlord obligations and retaliatory practices. The United States District Court for the Southern District of Florida remanded the case to state court on May 20, 2009, and denied Ms. Lomax's motion for reconsideration on February 17, 2010. Ms. Lomax filed a notice of appeal on January 24, 2023, seeking review of the remand order.

"[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement," *Bowles v. Russell*, 551 U.S. 205, 214 (2007), and, in order to be timely, a notice of appeal must generally be filed within 30 days after entry of final judgment, 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A). Here, Ms. Lomax filed her notice more than 13 years after the district court's remand order. At least because of this untimeliness, we lack jurisdiction over the appeal, and we cannot transfer under 28 U.S.C. § 1631.

Accordingly,

IT IS ORDERED THAT:

- (1) The appeal is dismissed.
- (2) All pending motions are denied as moot.
- (3) Each side shall bear its own costs.

FOR THE COURT

June 8, 2023
Date

/s/ Jarrett B. Perlow
Jarrett B. Perlow
Acting Clerk of Court